

REMARKS

This Amendment is submitted in reply to the non-final Office Action dated June 26, 2009. A petition for a one-month extension of time is submitted herewith. The Director is authorized to charge the amount of \$130.00 for the cost of the one-month extension of time, and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00598 on the account statement.

Claims 1-13 are pending in this application. Claims 1-9 and 12-13 were previously withdrawn from consideration. In the Office Action, Claims 10-11 are rejected under 35 U.S.C. §103. In response, Claims 10-11 have been amended. The amendments do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 11-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0098253 A1 to Riley ("*Riley*"). Since Claim 12 was previously withdrawn and Claims 10-11 are the only pending claims that have not been withdrawn, Applicants assume that the Patent Office meant to reject Claims 10-11 instead of Claims 11-12. In response, Claims 10-11 have been amended. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that *Riley* is deficient with respect to the present claims.

Currently amended independent Claims 10-11 recite, in part, methods for treating skin comprising the steps of administering a composition comprising: about 1 mg to about 1 g per kg of body weight per day of at least one of a molecule that stimulates energy metabolism of the cell selected from the group consisting of creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and combinations thereof; and an antioxidant so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier. The amendments do not add new matter. The amendments are supported in the Specification at, for example, page 2, paragraphs 23-24; page 3, paragraph 40. Applicants have surprisingly found that antioxidants and nutrients which stimulate energy metabolism can improve skin quality by stimulating the production of glycosaminoglycans. See, Specification, Abstract; page 1, paragraphs 16 and 18. Thus, administering the claimed

composition can prevent or delay alterations which occur during skin aging. See, Specification, page 1, paragraph 18. In contrast, *Riley* fails to disclose each and every element of the present claims.

For example, *Riley* fails to disclose or suggest a composition comprising about 1 mg to about 1 g per kg of body weight per day of at least one of a molecule that stimulates energy metabolism of the cell selected from the group consisting of creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and combinations thereof as required, in part, by independent Claims 10-11. The Patent Office admits that *Riley* fails to teach a composition comprising L-carnitine in an amount of 1 mg to about 1 g per kg of body weight per day. See, Office Action, page 3, lines 9-10. Nevertheless, the Patent Office asserts that it would have been obvious to modify the composition of *Riley* since its composition contains 276.386 mg of components. See, Office Action, page 3, lines 11-19. Specifically, the Patent Office asserts that “[s]ince the components of the composition, amounts administered and method are [] substantially the same as those of the instant application, the physiological effect of the compound on the body would reasonably be expected to be the same.” See, Office Action, page 3, lines 20-22.

In response, Applicants have amended Claims 10-11 to clarify that the claimed amount does not apply to the combination of the molecule that stimulates energy metabolism and the antioxidant but rather only to the molecule selected from the group consisting of creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and combinations thereof. Therefore, *Riley* fails to disclose 276.386 mg per day of a molecule that stimulates energy metabolism and instead merely discloses 16 mg per day (8 mg taken twice per day) of L-carnitine. See, *Riley*, page 5, paragraph 72 (Table). This amount corresponds to an individual of merely 0.035 lbs to 35 lbs (0.016 kg to 16 kg). Applicants respectfully submit that such a low body weight range would indicate to one skilled in the art that *Riley* fails to teach daily administration of the claimed amount of L-carnitine to an individual to treat skin for aging. Nevertheless, in an effort to expedite prosecution, Applicants have amended Claims 10-11 to remove the reference to L-carnitine. Nowhere does *Riley* disclose or suggest administering a molecule selected from the group consisting of creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and combinations thereof in order to

improve skin quality or restore age-related skin alterations in humans or animals, nor does the Patent Office cite support for such claimed element. As such, *Riley* fails to disclose about 1 mg to about 1 g per kg of body weight per day of at least one of a molecule that stimulates energy metabolism of the cell selected from the group consisting of creatine, fatty acids (monounsaturated and polyunsaturated), cardiolipin, nicotinamide, carbohydrate and combinations thereof in accordance with the present claims.

Moreover, Applicants respectfully submit that, even without the amendment to remove L-carnitine, one of ordinary skill in the art would have no reason to modify the amount of L-carnitine in the compositions of *Riley* because *Riley* fails to teach that the amount of L-carnitine reduces the signs of aging or otherwise affects the appearance or feel of the skin. "A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation." See, M.P.E.P. § 2144.05(B) (2009). *Riley* is entirely directed to reducing the signs of aging of the skin using an oral composition containing Lotus extract and specific components of the Lotus plant such as methyltransferase. See, *Riley*, Title; Abstract, lines 1-6; page 1, paragraphs 2 and 13; page 2, paragraphs 16 and 40-42; page 3, paragraphs 50-51. Nowhere does *Riley* disclose that the amount of L-carnitine achieves any particular result. In fact, although *Riley* notes that Broccoli Sprouts help prevent cancer and Olive Leaf extracts reduce the risk of heart disease, *Riley* never discloses any particular benefit of L-carnitine, let alone any beneficial effect of L-carnitine on reducing the signs of aging or promoting younger looking skin. See, *Riley*, pages 4-5, paragraph 72. Thus, Applicants respectfully submit that one skilled in the art would have no reason to modify or optimize the amount of L-carnitine in *Riley* to obtain the claimed amount of about 1 mg to about 1 g per kg of body weight per day. Nevertheless, as discussed previously, Applicants have deleted L-carnitine from Claims 10-11 in an effort to expedite prosecution.

Accordingly, Applicants respectfully request that the rejection of Claims 10-11 under 35 U.S.C. §103(a) to *Riley* be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly request an early allowance of the same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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